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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,917	01/03/2002	James M. Colemon	42390P12313	8524

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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/038,917	Applicant(s) COLEMON, JAMES M.	
	Examiner Gerald Gauthier	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-28 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claim(s) 1-7 and 10-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over OI et al. (US 2001/0025330 A1 in view of Hackett-Jones et al. (US 5,651,058).

Regarding **claim(s) 1, 11, 14, 19 and 25**, OI discloses a method comprising:
determining whether a device is connected to a communications port of a messaging system (paragraph 0047);
receiving a data packet at the communications port (paragraph 0166);

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determining a communications parameter set for the received packet (paragraph 0166);

analyzing the received packet data structure (paragraph 0166);

comparing the received packet data structure with a data structure for a known device (paragraph 0167); and

if the data structure of the packet matches the data structure for the known property management device determining the property management device coupled to the communications port to be a known device (paragraph 0168).

OI discloses detecting a plug and play device but fails to disclose a property management device.

However, Hackett-Jones teaches a property management device (column 3, lines 27-45).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of OI using the teaching of property management system as taught by Hackett-Jones.

This modification of the invention enables the system to have a property management device so that the user would have a temporary mailbox.

Regarding **claim(s) 2, 15 and 20**, OI discloses a method, wherein determining whether a property management device is connected comprises checking for data received at the communications port (paragraph 0048).

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Regarding **claim(s) 3 and 21**, OI discloses a method, wherein determining whether a property management device is connected comprises sending a signal through the communications port and checking for a response (paragraph 0048).

Regarding **claim(s) 4 and 16**, OI discloses a method, wherein the sent signal comprises a startup packet structured according to a startup protocol of a known property management device and wherein checking for a response comprises checking for an expected acknowledgment signal in accordance with the startup protocol of the known property management device (paragraph 0080).

Regarding **claim(s) 5, 13, 22 and 26**, OI discloses a method, wherein determining a communications parameter set comprises applying a variety of baud rate and parity setting to the packet and selecting a baud rate and parity combination that is consistent with the packet (paragraph 0140).

Regarding **claim(s) 6 and 17**, OI discloses a method, wherein analyzing the received data structure comprises determining the value of data in a selected position in the packet (paragraph 0080).

Regarding **claim(s) 7 and 27**, OI discloses a method, wherein determining the value of data comprises determining the value of a byte in a first position of the packet

and wherein comparing comprises comparing the value of the byte in position I to possible values for known property management devices (paragraph 0081).

Regarding **claim(s) 10, 18, 23 and 28**, OI discloses a method, wherein comparing comprises applying a series of conditional branch instructions to determine a matching known property management device (paragraph 0104).

Regarding **claim(s) 12**, OI discloses a method, wherein selecting a set of communications parameters comprises selecting parameters from a list of parameters for property management devices that may be coupled to the communications port (paragraph 0112).

Regarding **claim(s) 24**, OI discloses an apparatus, wherein the messaging system is a voice mail system (paragraph 0110).

Allowable Subject Matter

4. **Claim(s) 8 and 9** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Response to Arguments


5. Applicant's arguments with respect to **claim(s) 1-28** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539 . The examiner can normally be reached on 8:00 AM to 4:30 PM .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547 . The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system . Status information for published applications may be obtained from either Private PAIR or Public PAIR . Status information for unpublished applications is available through Private PAIR only . For more information about the PAIR system, see <http://pair-direct.uspto.gov> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) .


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2614

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April 2, 2006